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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 16th August, 1965:—

BILL NO. XIII OF 1965

A Bill to provide for the extension of the Code of Civil Procedure, 1908, and the Arbitration Act, 1940, to the Union territory of Goa, Daman and Diu and for certain other matters.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration Act) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu;

(*b*) "Lieutenant-Governor" means the administrator of Goa, Daman and Diu appointed by the President under article 239 of the Constitution.

Extension of Code of Civil Procedure and Arbitration Act, 1940, to Goa, Daman and Diu.

3. The Code of Civil Procedure, 1908 and the Arbitration Act, 1940, as in force in the territories to which they generally extend, are hereby extended to, and shall be in force in, Goa, Daman and Diu. 5 of 1908 10 of 1940

Repeal and Saving.

4. (*1*) So much of any law in force in Goa, Daman and Diu as corresponds to the Code of Civil Procedure, 1908, or the Arbitration Act, 1940, or any part of the said Code or Act, as the case may be, shall stand repealed as from the coming into force of this Act in Goa, Daman and Diu: 5 of 1908. 10 of 1940.

Provided that the repeal shall not affect—

(*a*) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(*c*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed:

Provided further that, subject to the preceding proviso, notifications published, declarations and rules made, places appointed, agreements filed, awards made or filed, scales prescribed, forms framed, appointments made and powers conferred under any law so repealed shall, so far as they are consistent with the said Code or, as the case may be, the said Act have the same force and effect as if they had, been respectively published, made, appointed, filed, prescribed, framed and conferred under the said Code or the said Act and by the authority empowered thereby in such behalf.

(*2*) In every law or notification passed or issued before the commencement of this Act in which reference is made to or to any Chapter or section or provision of any law hereby repealed, such reference shall, so far as may be practicable, be taken to be made to

the said Code or, as the case may be, to the said Act or its corresponding Part, Order, section or rule.

5 of 1908. 10 of 1940.

5. (*1*) In the Code of Civil Procedure, 1908, and in the Arbitration Act, 1940,— Rules of construction.

(*a*) any reference to any provision of law not in force, or to any functionary not in existence, in Goa, Daman and Diu shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that—

(*i*) if any question arises as to who that corresponding functionary is, or

(*ii*) if there is no such corresponding functionary,

the Lieutenant-Governor shall decide as to who such functionary will be and his decision shall be final;

(*b*) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Lieutenant-Governor.

(*2*) For the purpose of facilitating the application in relation to Goa, Daman and Diu of the said Code or the said Act, any court or other authority may construe it in such manner not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

5 of 1908. 10 of 1940.

6. If any difficulty arises in giving effect in Goa, Daman and Diu to the provisions of the Code of Civil Procedure, 1908, or the Arbitration Act, 1940, extended by this Act to that Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty. Power to remove difficulties.

10 of 1963.

7. As from the commencement of this Act, in the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963,— Consequential provision.

(*i*) in section 8, in sub-section (*1*), the words "Subject to the provisions of any law for the time being in force" shall be inserted at the commencement;

(*ii*) in section 16, after the words "subject to the provisions of this Regulation", the words "and until other provision is made by law" shall be inserted;

(*iii*) in section 17, in sub-section (*1*), after the word "shall", the words ", until other provision is made by law,", shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The legal system of the Union territory of Goa, Daman and Diu is somewhat different from the general pattern of the Indian legal system. In order that laws in force in the rest of India may uniformly apply to Goa, Daman and Diu, two Regulations, namely the Goa, Daman and Diu (Laws) Regulation, 1962, and the Goa, Daman and Diu (Laws) No. 2 Regulation, 1963, were promulgated by the President providing for the extension to that Union territory of a number of Indian laws including the Indian Penal Code, the Indian Evidence Act and the Code of Criminal Procedure. The Code of Civil Procedure was, however, not extended as it was necessary to reorganise the subordinate civil courts before extending that Code.

The Government of Goa, Daman and Diu are now undertaking legislation to reorganise the civil courts in the territory on the pattern obtaining under the Bombay Civil Courts Act. It is, therefore, proposed to extend the Code of Civil Procedure, along with the Arbitration Act, 1940 to Goa, Daman and Diu from the date the reorganised civil courts come into existence. On account of such reorganisation of civil courts, it would be necessary to undertake certain consequential amendments in the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963, and it is proposed to make such amendments also.

The Bill seeks to give effect to these objects.

NEW DELHI;
The 28th July, 1965.

A. K. SEN.

B. N. BANERJEE,
Secretary.

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